

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ANITA D. PARATLEY,

No. C-05-4312 MMC

Plaintiff,

v.

CONSECO HEALTH INSURANCE  
COMPANY,

Defendant

**ORDER VACATING HEARING ON  
PLAINTIFF'S MOTION TO FILE PARTIAL  
SUMMARY JUDGMENT MOTION  
UNDER SEAL; AFFORDING  
DEFENDANTS OPPORTUNITY TO  
COMPLY WITH CIVIL LOCAL RULE 79-  
5(d)**

Before the Court is plaintiff Anita D. Paratley's Motion to File Partial Summary Judgment Motion Under Seal, filed October 13, 2006 and noticed for hearing November 17, 2006, the date on which plaintiff's motion for partial summary judgment is scheduled to be heard.

According to plaintiff's motion to file under seal, defendants have designated as confidential certain exhibits plaintiff offers in support of her motion for partial summary judgment. The Civil Local Rules of this District, however, provide that where, as here, a party seeks to file under seal any material designated as confidential by another party, the motion for a sealing order shall not be noticed for hearing on the ordinary 35-day schedule; rather, the Local Rules provide that within five days of the filing of such motion to seal, "the designating party must file with the Court and serve a declaration establishing that the designated information is sealable, and must lodge and serve a narrowly tailored proposed

1 sealing order, or must withdraw the designation of confidentiality.” See Civil L.R. 79-5(d).

2 Accordingly, the November 17, 2006 hearing on plaintiff’s motion for a sealing order  
3 is hereby VACATED. Should defendants seek to demonstrate the material referenced in  
4 plaintiffs’ motion is sealable, defendants shall file the requisite declaration no later than  
5 November 1, 2006.<sup>1</sup>

6 **IT IS SO ORDERED.**

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8 Dated: October 26, 2006

  
MAXINE M. CHESNEY  
United States District Judge

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26 <sup>1</sup>If defendants are of the view that only a portion of the material should be filed under  
27 seal, defendants must, with specificity, identify such portions. Additionally, defendants  
28 must offer “compelling reasons” to justify any sealing request. See Kamakana v. City and  
County of Honolulu, 447 F. 3d 1172, 1179 (9th Cir. 2006) (holding publication of documents  
that “may lead to a litigant’s embarrassment, incrimination, or exposure to further litigation  
will not, without more, compel the court to seal its records”).